



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,012	06/23/2003	Gary C. Shimon	87801-9319-00	7686

23409 7590 01/11/2005

MICHAEL BEST & FRIEDRICH, LLP
100 E WISCONSIN AVENUE
MILWAUKEE, WI 53202

EXAMINER

BARRETT, SUZANNE LALE DINO

ART UNIT	PAPER NUMBER
----------	--------------

3676

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,012

Applicant(s)

SHIMON, GARY C.

Examiner

Suzanne Dino Barrett

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of the species of Figures 10-18 in the reply filed on 10/18/04 is acknowledged.

Claim Rejections - 35 USC § 112

2. Claims 11,12,19,33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 11,12,33, "the coupling member" lacks antecedent basis. In claim 19, "the chamber" lacks antecedent basis.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8,10,12,13-21,23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Garnault et al 5,732,580. Garnault et al teach a free wheeling lock comprising a housing 14, rotor 12 having tumblers 32 which are received in the locked condition in guide engagement means 16/36, a sleeve 28, actuator 26 and helical

Art Unit: 3676

compression spring 30. The rotor has dogs 92 which engage recesses 94 in the actuator 26. The sleeve has cam surfaces 48 which engage cam surfaces 62 in the housing 14 and the sleeve further has recesses (adjacent element 40) to engage the projections (adjacent element 42) on the end of the guide 16. In locked condition, the rotor and guide rotate together and cam the sleeve backwards so that the rotor is disengaged from the actuator allowing free wheeling of the lock.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garnault et al '580 in view of Ritz 6,711,924. Ritz teaches a similar free wheeling lock comprising a return spring 178 for angular displacement of the actuator. It would have been obvious to one of ordinary skill in the art to modify the actuator of Garnault et al by providing a return spring as taught by Ritz to be well known in the lock art for reestablishing the rest position of an actuator.

7. Claims 24-32,34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garnault et al '580 in view of Wittwer 6,439,016 or Ritz '924. Both Wittwer and Ritz teach the use of two sets of tumblers. It would have been obvious to one of ordinary skill

Art Unit: 3676

in the art to modify the lock of Garnault by providing two sets of tumblers as taught by either Wittwer or Ritz to enhance the lock coding capability of the lock.

8. Claims 11,22,33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garnault et al '580 in view of either Ritz '924 or Dimig et al 6,058,751. Both Ritz and Dimig teach the use of a bowden cable with an actuator of the type disclosed by Garnault, Ritz and Dimig. Garnault teaches an actuator drive connected to an actuator element 24 but fails to provide a cable attachment therefor. It would have been obvious in view of the teachings of either Ritz or Dimig to provide a Bowden cable type attachment to the actuator drive of Garnault as an obvious means of attaching.

Conclusion

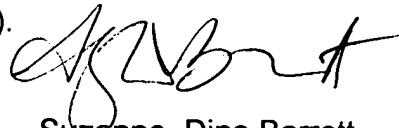
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note, especially, the structure of Wittwer 6,439,016 with regard to all claims under 35 USC 102(e).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 703-308-0825. The examiner can normally be reached on M-Th 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on 703-308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3676

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Suzanne Dino Barrett
Primary Examiner
Art Unit 3676

sdb